

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STERLING SAVINGS BANK.

Plaintiff,

NO. CV-11-0224-JLO

vs.

CLARK COUNTY BANKCORPORATION,
et al..

Defendant:

SUPPLEMENTAL ORDER ON FDIC'S MOTION TO DISMISS

FEDERAL DEPOSIT INSURANCE CORPORATION.

Intervenor-Plaintiff,

VS.

MICHAEL C. WORTHY, et al.,

Intervenor-Defendants.

In the court's October 13, 2011 Memorandum Opinion and Order (ECF No. 81), the court reserved ruling on a portion of the FDIC's Motion to Dismiss (ECF No. 42). Having considered the Supplemental Response requested by the court and filed by Sterling Savings (ECF No. 82), the court now **DENIES** that portion of the Motion to Dismiss (**ECF No. 42**) previously reserved.

The Supplemental Response has clarified that Sterling Savings is asserting a claim of direct harm to the Holding Company caused by the Bank officers, separate from the derivative harm to the Bank. Accordingly, the FDIC is not entitled to dismissal of Sterling Savings' creditor claims against the individual officers and directors of the

1 Bank.

2 IT IS SO ORDERED.

3 The Clerk is hereby directed to enter this Order and furnish copies to counsel.

4 Dated November 22, 2011.

5 s/ Justin L. Quackenbush
6 JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE